

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF FEBRUARY, 2026



PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 28016 OF 2024 (GM-MM-S)

BETWEEN:

1. M/S. SRI MANJUNATHA SWAMY STONE CRUSHERS
REPRESENTED BY ITS PROPRIETOR
SRI N. KRISHNAMURTHY
AGED ABOUT 56 YEARS
R/AT NO.6, LOTTEGOLLAHALLI
GANDHI VIDYALAYA ROAD
RMV II STAGE, BENGALURU
BENGALURU - 560 094

...PETITIONER

(BY SRI RAVINDRA GAJANAN KOLLE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY
ROOM NO. 320, 3RD FLOOR
VIDHANA SOUDHA
BENGALURU - 560 001
2. THE PRINCIPAL SECRETARY TO GOVERNMENT
DEPARTMENT OF COMMERCE AND INDUSTRIES
ROOM NO.135, FIRST FLOOR,
VIKASA SOUDHA
BENGALURU - 560 001
3. THE DIRECTOR AND COMMISSIONER
DEPARTMENT OF MINES AND GEOLOGY
NO.49, KHANIJA BHAVAN
BENGALURU - 560 001

Digitally
signed by
VEERENDRA
KUMAR K M

Location:
High Court of
Karnataka

4. THE JOINT DIRECTOR AND
REVISING AUTHORITY
KHANIJA BHAVAN
1ST D CROSS ROAD, 'I' BLOCK
RAMAKRISHNA NAGARA
MYSURU - 570 022
5. THE DEPUTY DIRECTOR AND
COMPETENT AUTHORITY
DEPARTMENT OF MINES AND GEOLOGY
DISTRICT ADMINISTRATION BUILDING
2ND FLOOR, ROOM NO.219
BEERASANDRA VILLAGE
KOIRA POST, DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562 110
6. SRI G. ERANNA
S/O LATE GANGAIAH
AGED ABOUT 46 YEARS
R/O CHANNASANDRA BYATHA POST
HESARAGHATTA HOBLI
YELAHANKA TALUK
BENGALURU URBAN DISTRICT
BENGALURU - 560 089

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-1 TO 5
SRI K.B. SHIVAKUMAR, ADVOCATE FOR R-6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION DIRECTING TO QUASH OR SET ASIDE THE GRANT, EXECUTION AND REGISTRATION OF IMPUGNED QUARRY LEASE DEED IN FORM-E AT No.2723 DATED 24.03.2024 IN FAVOR OF 6TH RESPONDENT, OVER AN AREA OF 1.33 ACRES IN GOVT. GOMAL LAND BEARING Sy.No.06 OF HALEKOTE VILLAGE, DODDABALLAPURA TALUK, BENGALURU RURAL DISTRICT PRODUCED AT ANNEXURE-A AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, ORDER WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

C.A.V. JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition, *inter alia*, impugning the grant, execution, and registration of the quarry lease deed [Form-E No.2723] dated 24.03.2023 in favour of respondent No.6 in respect of an area measuring 1.33 acres of Gomala land falling in Survey No.06 of Halekote Village, Doddaballapura Taluk, Bengaluru Rural District [**subject land**].

2. The petitioner further prays that directions be issued to respondent No.5 [**the Deputy Director**] to immediately grant, execute and register a quarry lease for the extraction of ordinary building stones over an area of 2 acres of government Gomala land falling in Survey No.06 of Halekote Village, Doddaballapura Taluk, pursuant to the petitioner's application dated 19.08.2005.

3. The petitioner claims that his application for grant of quarry lease was required to be considered in priority over the application

filed by respondent No.6. Therefore, the grant of quarry lease in Form-E No.2723 dated 24.03.2023 in favour of respondent No.6 in respect of subject land is liable to be set-aside and a quarry lease for 2 acres of the subject land is required to be granted in favour of the petitioner.

4. The petitioner states that he had filed an application dated 19.08.2005 in Form-AQL seeking the grant of a quarry lease for extracting ordinary building stones over an area of 2 acres falling in the subject land. The Deputy Director rejected the said application by an order dated 10.01.2008, on the ground that there was a direction not to grant building stone quarry leases in government *Gomala, Gayarana and Hullubani* lands, in terms of the letters dated 09.04.2007 and 30.04.2007.

5. The petitioner challenged the said order by filing a revision petition before the Revisional Authority (respondent No.4). The said petition (R.P.No.74/2008) was disposed of by the Revisional Authority by an order dated 20.01.2018.

6. A plain reading of the said order indicates that the Revisional Authority had noted that while the revision petition was pending, respondent No.6 had applied for a building stone quarry lease on

01.03.2014, and No Objection Certificates [**NOCs**] from the Revenue Department and Forest Department were obtained. Thereafter, a quarrying plan was also approved. In the given circumstances, the Revisional Authority remanded the matter to the Deputy Director to afford the petitioner an opportunity to be heard and to take action in accordance with the provisions of the Karnataka Minor Mineral Concession Rules, 1994 [**the Rules**], as amended.

7. Thereafter, the petitioner filed a writ petition, W.P.No.12583/2018 (GM-MM-S), *inter alia*, praying that directions be issued to the Deputy Director to grant and execute a quarry lease in respect of an area of 2 acres falling in subject land pursuant to his application dated 19.08.2005, based on the NOCs issued by the Revenue and Forest Departments in respect of the application filed by respondent No.6. While the said writ petition was pending, quarry lease (QL No.2723 dated 24.03.2023) came to be executed in favour of respondent No.6. In view of the above, the petitioner sought withdrawal of the writ petition, which was allowed by an order dated 19.03.2024 and the writ petition was dismissed as withdrawn.

8. It is material to note that in the meantime, the Deputy Director issued an endorsement dated 20.03.2023 rejecting the petitioner's application. The said endorsement noted that respondent No.6's application was a saved application under the Rules and that, after obtaining Government approval, a stone quarry lease had been granted. The petitioner's application was rejected on the ground that there was no provision to consider it.

9. The Deputy Director had reasoned that respondent No.6's application was saved on account of the NOCs issued prior to the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 [**Amended Rules**], coming into effect from 12.08.2016. There is no dispute that, pursuant to the application filed by respondent No.6, a joint inspection of the area in question was conducted on 28.07.2015, and a NOC was also issued by the Jurisdictional Deputy Conservator of Forests on 16.07.2015. Thereafter, the quarry plan submitted by respondent No.6 was also approved on 23.11.2017.

10. The petitioner claims that the NOCs issued by the Revenue Department and the Forest Department pursuant to the application filed by respondent No.6 should also be considered as applicable in respect to the petitioner's application, as well. The petitioner

contends that the said NOCs are not confined to a particular applicant but relate to the subject land. Therefore, if the Revenue and Forest Departments have granted NOCs pursuant to an application filed by one applicant, those NOCs would also be operative for other applications pertaining to the same land.

11. The learned Additional Government Advocate countered the aforesaid contentions and also submitted that the petitioner had an equally efficacious remedy of Revision under Section 53 of the Rules and therefore, the petition ought not to be entertained.

12. As noted above, the petitioner had filed an application for grant of a quarry lease prior to the Amended Rules coming into force on 12.08.2016. By virtue of the Amended Rules, Rule 8-B was substituted. The said Rule is set out below:-

"8-B. Status of applications received.-(1) All applications received and pending for grant of lease or licence prior to the date of commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, shall become ineligible including the applications received for grant of mining leases of the minerals that are now classified as minor mineral.

(2) Notwithstanding anything contained in sub-rule (1), the following shall remain eligible on and from the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016, namely.-

- (a) Applications received upon the notification issued under Rule 8-B existed before the Karnataka Minor Mineral Concession (Amendment) Rules, 2016;
- (b) Where the Committee that existed under the provisions of Rule 11 or District Task Force Committee has recommended for grant of a quarrying lease or license for grant of mining lease, before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016.
- (c) Where in the case of minerals now re-classified as minor mineral by the Central Government by notification No. S.O.423(E), dated 10-2-2015, no objection certificates from revenue and forest departments and the approved mining plan from the Indian Bureau of Mines (IBM) have been received before commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016;
- (d) Applications received before 16-6-2015 and for which No Objection Certificates (NOCs) and reports as under sub-rule (5) of Rule 8 of these rules have been received from the concerned departments before commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016; and
- (e) These applications shall be considered for grant of quarrying lease or licence, or otherwise as per the provisions that existed before the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 subject to fulfillment of the conditions specified for the same, if any and registration of leases or licence deed within a period of twelve months from the date of commencement of the Karnataka

Minor Mineral Concession (Amendment)
Rules, 2016;

Provided that in case of grant of quarrying lease or licence covered by clauses (b), (c) and (d) of sub-rule (2), the lessee shall pay, in addition to the royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or licence granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31-3-2019; and if no auctions have taken place by 31-3-2019 for deriving the average from Taluk, District or neighboring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided further that when such Royalty and Average Additional Periodic Payment is paid, then the payment by the lessee for the District Mineral Foundation shall be as payable by the holders of lease or licence through auction:

Provided also that in respect of any mineral that are now re-classified as minor minerals by the Central Government *vide* notification number S.O.423(E) dated 10-2-2015, no quarrying lease or licence shall be granted except with the previous approval of the State Government.

(3) Where before the commencement of the Karnataka Minor Mineral Concession (Amendment) Rules, 2016 a reconnaissance permit or prospecting licence has been granted in respect of any land for any mineral, the permit holder or the licensee shall have a right

for obtaining a prospecting licence followed by quarrying lease, or licence, as the case may be, in respect of that mineral in that land, if they have carried out the reconnaissance or prospecting in accordance with the terms and conditions stipulated in their permit or license:

Provided that on grant of quarry lease or licence in case of sub-rule(3) the lessee shall pay, in addition to the royalty, an amount which shall be equal to the Average Additional Periodic Payment payable by the holders of quarry lease or licence granted through auction within the Taluk if such average is available for the Taluk, or within the District if such average is not available for the Taluk, or within the neighboring Districts if such average is not available for the District, and if such average is not available within the neighboring Districts, such Average Additional Periodic Payment shall be deemed to be fifty per cent of Royalty. This deemed percentage shall be reset after three years based on average obtained in auctions by 31-8-2019; and if no auctions have taken place by 31-3-2019 for deriving the average from Taluk, District or neighboring districts, as the case may be, then the deemed rate will become the final rate for the Average Additional Periodic Payment:

Provided further that when such Royalty and Average Additional Periodic payment is paid, then the payment by the lessee or holder of licence to the District Mineral Foundation shall be as payable by the holders of lease or licence through auction."

13. In terms of Sub-rule (1) of Rule 8-B of the Amended Rules, all applications, which were received and pending, for the grant of a lease or licence prior to the date of commencement of the Amended Rules, were rendered ineligible. However, by virtue of

Sub-rule (2) of Rule 8-B, applications received and pending for grant of lease or license for which NOCs had been received in the office of Directorate of Mines and Geology from the Deputy Conservator of Forest in case of *Gomala* lands were saved. Such applications were required to be considered and disposed of, subject to obtaining NOC from the Deputy Commissioner of the concerned District.

14. Indisputably, as of the date the Amended Rules came into force, the petitioner's application was not pending; it had been rejected on 10.01.2008.

15. Respondent No.6's application, which was filed on 01.03.2014, had been considered, and the Deputy Conservator of Forests had issued a NOC for the grant of building stone quarry lease in respect of land falling in Sy.No.06 of Halekote Village. The said certificate indicates that it was in respect of a lease area of 6 acres, 2 acres and 5 acres. The NOC also lists respondent No.6 as the applicant. A joint inspection was also carried out by the Deputy Director of Mines and Geology Department and the Assistant Commissioner, Doddaballapura Sub-Division. The joint inspection report dated 28.07.2015 notes that there is land to the extent of 166-01 acres falling in Survey No.6/P1 of Halekote Village

and Sri G.Eranna (respondent No.6) had applied for the grant of building stone quarry lease over an area of 2 acres, and quarrying activities could be held without disturbing the cattle and the habitation. Thus, the concerned authority issued the NOC for grant of building stone quarry lease over an area of 2 acres out of 138-21 acres/guntas (as shown in the sketch in Survey No.6/P1 of Halekote Village).

16. In view of the above, there is no dispute that respondent No.6's application was eligible for consideration in terms of Sub-Rule (2) of Rule 8-B of the Amended Rules.

17. It is also relevant to note that Rule 8-C of the Rules proscribes the grant of any quarry lease unless the quarrying plan is approved by the approving authority.

18. Respondent No.6 had also furnished a quarry plan for extracting ordinary building stone from the subject land, which was approved by the competent authority on 23.11.2017. This cleared the way for the grant of a quarry lease for 1.33 acres of the subject land. The same was approved by the Government. The Deputy Director granted the quarry lease in favour of respondent No. 6 on 24.03.2023.

19. It is apparent from the above that, on the date when respondent No.6 filed an application for a quarry lease, the petitioner's application stood rejected. Thus, there was no impediment in respondent No.6 seeking a quarry lease in respect of a part of the subject land. Further, respondent No.6 had also received NOCs from the relevant authorities and approval of the mining plan from the competent authority.

20. The petitioners' Revision Petition was disposed of by an order dated 20.01.2018, and the Competent Authority was directed to afford the petitioner an opportunity to be heard and to pass an order. In terms of the said order, the petitioner's application for quarry lease was considered and was rejected on 20.03.2023 on the ground that the Government had already granted approval for the quarry lease in favour of respondent No.6. Thereafter, the quarry lease was granted in respect of the subject land in favour of respondent No.6 and the lease deed was also registered in favour of respondent No.6 on 27.03.2023.

21. It is the petitioner's case that its application was required to be considered in priority over respondent No.6's application and on the basis of the NOC issued by the Forest Department and the joint report furnished pursuant to respondent No.6's application. Whilst

the petitioner may be correct that the NOC issued by the Forest Department and the joint inspection report are in respect of the subject land and not an applicant, the same is of no assistance to the petitioner because on the date when the respondent No.6's application was processed and the grant of quarry lease was approved, the petitioner's application stood rejected.

22. Since there was no impediment to the authorities considering respondent No.6's application for the grant of a quarry lease, which was granted in accordance with the prescribed procedure of law, it cannot be set aside.

23. The petition is accordingly dismissed.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

KMV/KPS